

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

GULFSTREAM WORLDWIDE REALTY, INC.,
a Florida corporation,

Plaintiff,

v.

No. CIV 06-1165 JB/DJS

PHILIPS ELECTRONICS NORTH AMERICA
CORPORATION, a Delaware corporation,

Defendant.

**PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT
SHOULD NOT BE HELD IN CONTEMPT AND FOR PAYMENT OF COSTS**

COMES NOW, Plaintiff Gulfstream Worldwide Realty, Inc., ("**Gulfstream**") through counsel Chappell Law Firm, P.A., and hereby moves this Court for an Order to Show Cause why Defendant Philips Electronics North America Corporation ("**Philips**") should not be held in contempt, and in support thereof states as follows:

Plaintiff transmitted its discovery requests on March 23, 2007. The responses were due on or about April 23, 2007. Philips requested, and Plaintiff granted a two week extension so the responses would be due May 9, 2007. Philips transmitted its discovery responses by personal delivery on May 9, 2007 but did not provide documents. Philips stated Plaintiff could pick up such documents "at a mutually agreeable time." Philips objected to every instruction, definition, Interrogatory and Request for Production, and on July 5 and 16, was Court ordered to produce information on the sales of real and personal property, as well as information on Industrial Revenue Bonds, destruction and removal of documents, and privilege log.

Philips has not complied with the discovery requests nor the Court Order, even though the information was readily available to it. Employees and former employees were subpoenaed and

turned over a great deal of the previously unproduced information. The information related to massive sales and transfers of equipment – the same equipment listed within the Exclusive Listing Agreement, and occurring within the term of that Exclusive Listing Agreement. Accordingly, Philips should be held in contempt, and a default judgment issued as to liability.

Plaintiff submits its Memorandum in Support of Its Motion to Compel Discovery Responses from Philips herewith.

Respectfully submitted,

CHAPPELL LAW FIRM, P.A.

By Martha L. King
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CERTIFICATE OF SERVICE

IT IS HEREBY certified that I caused to be faxed a true and correct copy of the foregoing **Plaintiff's Motion for Order to Show Cause Why Defendant Should Not Be Held in Contempt and for Payment of Costs** to:

Arthur D. Melendres, Esq.
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on this 1st day of October, 2007.

Martha L. King
Martha L. King

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